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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2008 302

11 **HARRIET MARIA COPELAND**
12 P.O. Box 287
Novato, CA 94948

A C C U S A T I O N

13 Registered Nurse License No. 593392

14 Respondent.

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16 Complainant alleges:

17 **PARTIES**

18 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
19 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
20 Department of Consumer Affairs.

21 2. On or about January 14, 2002, the Board of Registered Nursing issued
22 Registered Nurse License Number 593392 to Harriet Maria Copeland (Respondent). The
23 Registered Nurse License was in full force and effect at all times relevant to the charges brought
24 herein and will expire on November 30, 2009, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing
27 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code ("Code") unless otherwise indicated.

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4. **Section 118, subdivision (b)**, of the Code provides that the suspension,

5. **Section 490** of the Code states:

“A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.”

6. **Section 2750** of the Code provides, in pertinent part, that the Board may discipline a licensee, including a licensee holding a temporary or an inactive license, for any violation of the Code or any rule adopted in Article 3 (commencing with section 2750) of the Nursing Practice Act.

7: **Section 2761** of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional Conduct...

(f) Conviction of a felony or of any offense substantially related to the functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.”

8. **Section 2762** of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning [the Nursing Practice Act], it is unprofessional conduct for a person licensed

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1 accident. Respondent rear-ended a vehicle ("V2") that was stopped at a red light. Respondent
2 hit V2 with such force that V2 was propelled into a third vehicle. When the Police arrived both
3 Respondent and the driver of V2 complained of being in pain. Respondent was taken to the
4 hospital. Respondent admitted to police that she had drinking. Respondent's blood sample was
5 taken for alcohol screening. The screening revealed Respondent had a blood alcohol level of
6 .31%.

7 12. On or about September 7, 2007, before the Santa Clara County Superior
8 Court, Case No. BB620820, respondent was convicted on her plea of no contest of violating
9 Vehicle Code section 23152(a), driving while under the influence of alcohol or drugs or both.
10 The circumstances are as follows:

11 a. On or about the evening of April 5, 2006, The California Highway
12 Patrol found Respondent in a vehicle that was parked in the center divide I-280. Respondent's
13 vehicle was partially blocking the fast lane of I-280. The vehicle's safety hazzard lights were not
14 activated. The Highway Patrol detected a strong odor of alcoholic beverage emanating from
15 Respondent's vehicle. Respondent submitted to an alcohol screening which revealed that
16 Respondent had blood alcohol levels of .283% and .266%.

17 **FIRST CAUSE FOR DISCIPLINE**

18 (Unprofessional Conduct)

19 13. Respondent is subject to disciplinary action under section 2761(a) of the
20 Code in that she engaged in unprofessional conduct. The circumstances are set forth in
21 paragraphs 11-12, above.

22 **SECOND CAUSE FOR DISCIPLINE**

23 (Conviction-Substantially Related)

24 14. Respondent is subject to disciplinary action under sections 490 and
25 2761(f) of the Code in that she was convicted of crimes substantially related to the qualifications,
26 functions, and duties of a registered nurse. The circumstances are set forth in paragraphs 11-12,
27 above.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct- Dangerous Use of Alcohol)

3 15. Respondent is subject to disciplinary action under section 2762(b) of the
4 Code in that she used alcoholic beverages, to an extent or in a manner dangerous or injurious to
5 herself or the public or to the extent that such use impaired her ability to conduct with safety to
6 the public the practice authorized her license. The circumstances are set forth in paragraphs 11-
7 12, above.

8 **FOURTH CAUSE FOR DISCIPLINE**

9 (Unprofessional Conduct-Conviction involving Alcohol)

10 16. Respondent is subject to disciplinary action under section 2762(c) of the
11 Code in that she was convicted of two crimes involving the use of alcohol. The circumstances
12 are set forth in paragraphs 11-12, above.

13 **PRAYER**


14 WHEREFORE, Complainant requests that a hearing be held on the matters herein
15 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

16 1. Revoking or suspending Registered Nurse License Number 593392, issued
17 to Harriet Maria Copeland.

18 2. Ordering Harriet Maria Copeland to pay the Board of Registered Nursing
19 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
20 Professions Code section 125.3;

21 3. Taking such other and further action as deemed necessary and proper.

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23 DATED: 4/23/08

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26 RUTH ANN TERRY, M.P.H., R.N.
27 Executive Officer
28 Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant